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**BZA-1785**  
**LA MAISON APARTMENTS, LLC**  
**Variances**

**ADDENDUM**  
**August 26, 2009**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Daniel A. Teder, is requesting the following variances:

1. A lot width of 50' instead of the required 60'; and
  2. A front setback of 44' **16.1'** instead of the required 25' from Littleton Street
- for a proposed duplex. The site, a through lot, is located between Littleton and Salisbury Streets north of State Street and is commonly known as 24 North Salisbury Street, West Lafayette, Wabash 20 (SW) 23-4.

**STAFF COMMENTS:**

Petitioner is proposing a 2-story duplex with a 44' 16.1' setback from Littleton instead of the required 25'. The R3W zone allows for building setbacks along local roads, such as Littleton, to be averaged. Petitioner has supplied information to staff about the average setback along Littleton in this blockface. The nine buildings along the west side of Littleton in this block have an averaged setback of 20.1 feet. However, Ann Tweedale, a co-op to the north, is oriented towards Salisbury and has a setback of 53' from Littleton, with parking between the building and the street. If this anomaly is removed from the equation, the average setback is 16.1'. Petitioner originally requested a 14' setback from Littleton, but has submitted a new site plan reflecting a 16.1' setback. A variance is needed because 16.1' is still less than the average setback of 20.1'. Staff can support this request.

The R3W zone requires a minimum lot width of 60' for both single-family and two-family homes. Petitioner's lot measures 50' across. The subject property is part of the original plat of the Town of Chauncey which dates back to the late 1800s. The ordinance permits a single-family home can be built on a more narrow lot than is permitted, provided that all other requirements, like setbacks and lot coverage, can be met. There are no obvious solutions (rezone, a replat of two existing lots, an Exemption E transfer) that would make this lot meet the width requirements for more than a single-family dwelling. Staff realizes that a single family home is not only unlikely but impractical in this densely populated area of West Lafayette.

Regarding the ballot items:

1. The Area Plan Commission at its August 19, 2009 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting both variances **WILL NOT** be injurious to the public health, safety, and general welfare of the community. Regarding **variance #1 (lot width)**, a reduction of 10' in width will have no adverse affect on the community. In fact, several neighboring lots, all part of the original plat of Chauncey, do not meet the lot width standard for the R3W zone and contain multi-family dwellings. Regarding **variance #2 (setback)**, other homes are located closer to the right-of-way of Littleton than the required 25' and this development style is not only common but encouraged in the R3W zone in the University Proximate Area.
3. In regard to **variance #1 (lot width)**, other development standards such as parking, side setbacks, and lot coverage will be met so that use and value of the area adjacent to the property **WILL NOT** be affected in a substantially adverse manner. For **variance #2 (setback)**, because a setback less than 25' is the norm in this area, use and value of adjacent property also **WILL NOT** be affected in a substantially adverse manner.
4. Because petitioner is proposing redevelopment of an existing lot, the terms of the zoning ordinance are being applied to a situation (with regard to both **variances #1 and #2**) that **IS NOT** common to other properties in the same zoning district. Most of the surrounding properties are older single-family homes converted into a duplexes or multi-family buildings on lots that also do not meet lot width and have setbacks that reflect the ability to average in the R3W zone.
5. Strict application of the terms of the zoning ordinance in **variance #1 (lot width)** **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Without the benefit of a variance, petitioner would either have to construct a single-family home (not an appropriate use in this area) or seek planned development approval (nothing about this proposal compels a PD). In **variance #2 (setback)**, a hardship **WILL** also result from the strict application of the terms of the zoning ordinance because requiring redevelopment of this lot to meet the average front setback of 20.1' would not be representative of the streetscape. The average setback of structures which are positioned towards Littleton, 16.1' better reflects this pedestrian-oriented multi-family neighborhood.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

- 5a. The hardship involved in **variance #1 (lot width)** **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain because it is an existing situation and without a variance the lot could only be redeveloped in the R3W zone as a single family home. When averaging, the ordinance states that the setback of all primary use structures is taken into account, and doesn't provide for structures in a through blockface that are closer to one street frontage than the other. **Variance #1**, a 16.1' front setback, represents the average setback of all primary use structures on this blockface that are oriented towards Littleton and

**DOES NOT** represent a hardship which is self-imposed or based solely on a restriction of or restriction on economic gain.

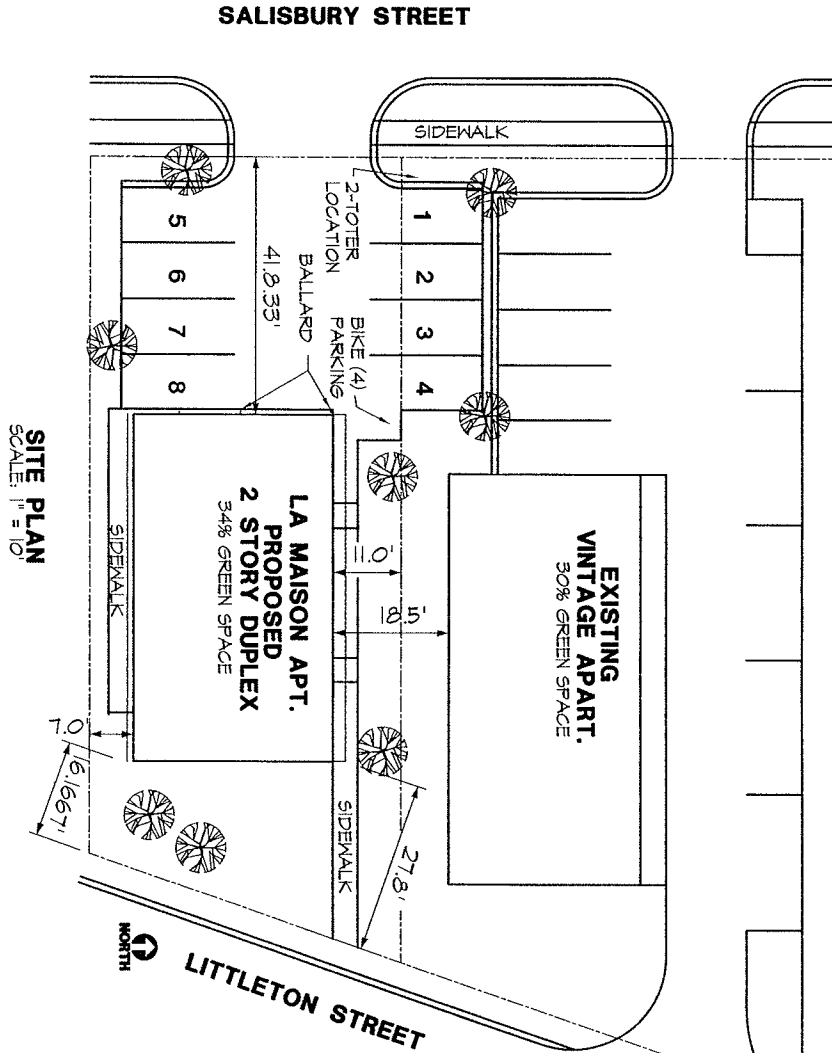
- 5b. The variances sought **DO** provide only the minimum relief needed to alleviate the hardship. In **variance #1 (lot width)** there is no land available to increase lot width to meet the ordinance requirement. The average setback of 20.'1 includes a structure on this blockface that is oriented to Salisbury and not Littleton. However, removing that structure from the averaging equation results in a setback of 16.1', which petitioner is requesting in **variance #2 (setback)** and is minimum relief.

**STAFF RECOMMENDATION:**

Variance #1 (lot width): Approval

Variance #2 (front setback): Approval

# 1/2 SIZE PRINT



THERE WILL BE A PARKING AGREEMENT BETWEEN LA MAISON APARTMENTS AND VINTAGE APARTMENTS FOR PARKING SPACES 1 THRU 4

**SITE PLAN**  
SCALE: 1" = 10'

	<b>PROPOSED DUPLEX</b>		<b>LOT 21</b>  <b>WEST LAFAYETTE, IN</b>
<b>DATE</b> 04/05/20 <b>PROJECT</b> 1930 Kossuth St. <b>CLIENT</b> R.R. Grove <b>DESIGNED BY</b> R.R. Grove <b>CHECKED BY</b> R.R. Grove <b>DATE</b> 8/20/2024		<b>R.R.GROVE P.E.</b> <b>1930 KOSSUTH STREET</b> <b>LAFAYETTE, IN 47905</b>	
<b>SHEET NO.</b> <b>A4.1</b>			

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